

REMARKS

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-12, 31, 34-38 and 51-54 are currently pending
- Claims 32 and 33 are canceled herein
- Claim 31 is amended herein

[0003] Claim 31 is amended to include subject matter from dependent claims 32 and 33.

Cited Documents

[0004] The following documents have been applied to reject one or more claims of the Application:

- **Davis:** Davis et al., U.S. Patent No. 5,576,755
- **Nunberg:** Nunberg et al., U.S. Patent No. 5,111,398

Claims 1-12, 31-38 and 51-54 Are Non-Obvious Over Davis in view of Nunberg

[0005] Claims 1-12, 31-38 and 51-54 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Davis in view of Nunberg. Applicant respectfully traverses the rejection.

Independent Claim 1

[0006] Applicant submits that the Office has not made a *prima facie* showing that independent claim 1 is obvious in view of the combination of Davis and Nunberg. Applicant submits that the combination of Davis and Nunberg does not teach or suggest at least the following features of this claim (with emphasis added):

1. A method comprising:

applying at least one of a capitalization rule and a spacing rule to a word obtained from compressed electronic program guide (EPG) data, the compressed EPG data including a plurality of word encoding values and a plurality of character encoding values, wherein each of the capitalization and spacing rules is based on an arrangement, in the compressed EPG data, of one said word encoding value that references the obtained word with respect to at least one of:

one or more said character encoding values; and

one other said word encoding value; and

outputting the obtained word to which at least one of the capitalization rule and the spacing rule was applied.

[0007] Claim 1 recites in part, "applying at least one of a capitalization rule and a spacing rule to a word obtained from compressed electronic program guide (EPG) data, the compressed EPG data including a plurality of word encoding values and a plurality of character encoding values." The Office fails to specifically address these elements and features. As such, Applicant is left to gainsay where within the cited documents such elements and features might be found. Applicant would respectfully contend that the cited art, and specifically Davis, fails to teach or suggest a method that comprises in part "applying at least one of a capitalization rule and a spacing rule to a

word obtained **from compressed electronic program guide (EPG) data**" as originally claimed by independent claim 1..

[0008] Davis relates to "a system and method...for automated checking of the program listings data in a database of television schedule listings used in an electronic program guide (EPG)." (See Davis, Abstract). Davis states that the invention therein "relates to a system and method for verification of the EPG data prior to transmission to a plurality of remote locations such as cable system head ends or viewer sites." (See Davis, Col. 1, lines 8-14). However, Davis is completely silent as to "applying at least one of a capitalization rule and a spacing rule to a word obtained **from compressed electronic program guide (EPG) data**."

[0009] Davis acknowledges that "the listing database contains an enormous amount of data." (See Davis, Col. 2, lines 3-4). But Davis simply points this out to highlight that there "is a need for an automated procedure for verification of the data to reduce the number of manual hours required" to review the content for grammatical errors. (See Davis, Col. 2, lines 33-47). Davis is completely silent as to compressing the EPG, and as such, cannot teach or suggest "applying at least one of a capitalization rule and a spacing rule to a word obtained from **compressed electronic program guide (EPG) data**."

[0010] As explained in the present application, "current client devices, such as set-top boxes, may have limited memory space, which restricts the amount of EPG data that may be stored on the set-top box and displayed to a viewer using an EPG." (See Specification, paragraph [0029]). "To increase the amount of EPG data that may be stored and/or the amount of other data that may be stored on the client device, the EPG

data may be compressed.” *Id.* To further compress the data, and thus enable additional information to be stored on the client device, “capitalization and spacing rules [are applied] to [further] reduce the number of character encoding values in the EPG data. (See Specification, paragraph [0030]). The cited art, and specifically Davis, fails to teach or suggest compressing the EPG data and “applying at least one of a capitalization rule and a spacing rule to a word obtained **from compressed electronic program guide (EPG) data**” as presently claimed.

[0011] Consequently, the combination of Davis and Nunberg does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 2-4

[0012] Claims 2-4 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2-4 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Independent claim 5 and dependent claims 6-8

[0013] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1 apply with equal weight here. The cited art does not teach or suggest all of the claimed elements and features of independent claim 5. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of claim 5.

[0014] Further, dependent claims 6-8 are allowable for at least the same reasons that independent claim 5 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 6-8.

[0015] Additionally, Applicant respectfully contends that the Office has failed to give the Applicant an adequate chance to respond to the rejections of claims 5-8. The Office states that "claims 5-12 substantially correspond to claims 1-4." (See Action, page 5). Applicant respectfully traverses that claims 5-8 are substantially similar to claims 1-4 as originally presented. Claim 5 is at least different for claiming "comparing one or more of the plurality of word encoding values with word encoding values in a word table to find a match." This element is clearly not claimed in independent claim 1. Consequently, the two independent claims are different.

[0016] With few exceptions, the Office provides little to no explanation as to how the components of the cited reference correspond to the actual claim language. Furthermore, the Office provides little or no explanation as to how the operation of components of the cited reference corresponds to that of the actual claim language.

[0017] Since the Office has provided little or no reasoning for its rejections, Applicant can do little more than gainsay. Applicant is forced to make assumptions and guesses as to the Office's specific reasoning. Therefore, Applicant submits that it has been denied its right to adequately and effectively respond to the Office's rejections.

[0018] In *In re Lee*, 61 USPQ2d 1430 (CA FC 2002), the Federal Circuit explained the following on page 1433:

The Administrative Procedure Act, which governs the proceedings of administrative agencies [such as the Patent and Trademark Office] and related judicial review, establishes a scheme

of “reasoned decision making.” Not only must an agency’s decreed result be within the scope of its lawful authority, but the process by which it reaches that result must be logical and rational. Allentown Mack Sales and Service, Inc. v. National Labor Relations Bd., 522 U.S. 359, 374 (1998) (citation omitted).

This standard requires that the agency not only have reached a sound decision, but have *articulated the reasons for that decision*. The reviewing court is thus enabled to perform meaningful review within the strictures of the APA, for the court will have a basis on which to determine “whether the decision was based on the relevant factors and whether there has been a clear error of judgment.” *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 416 (1971).

[0019] Applicant submits that the Office has not articulated the reasons for its decision-making here. Furthermore, according to the reasons and facts given above and to 37 CFR § 1.113 and MPEP 706.07, Applicant respectfully submits that no clear issues has been developed between the applicant and the examiner for each pending claim so that such issues would be ready for appeal if the next action is made final. Accordingly, Applicant respectfully requests that the next action—if not a Notice of Allowance—be Non-Final.

Independent claim 9 and dependent claims 10-12

[0020] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1 apply with equal weight here. The cited art does not teach or suggest all of the claimed elements and features of independent claim 9. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of claim 9.

[0021] Further, dependent claims 10-12 are allowable for at least the same reasons that independent claim 9 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 10-12.

[0022] Additionally, Applicant respectfully contends that the Office has failed to give the Applicant an adequate chance to respond to the rejections of claims 5-8. The Office states that "claims 5-12 substantially correspond to claims 1-4." (See Action, page 5). Applicant respectfully traverses that claims 9-12 are substantially similar to claims 1-4 as originally presented. Claim 9 is at least different for claiming "comparing the one or more characters of each said value with one or more words in a word table to find a match, wherein each said word in the word table is referenced by a word encoding value in the word table, and for each said match, replacing the matching one or more characters of each said value with the word encoding value in the word table that references the matching word." This element is clearly not claimed in independent claim 1. Consequently, the two independent claims are different.

[0023] Applicant again submits that the Office has not articulated the reasons for its decision-making here. Furthermore, according to the reasons and facts given above and to 37 CFR § 1.113 and MPEP 706.07, Applicant respectfully submits that no clear issues have been developed between the applicant and the examiner for each pending claim so that such issues would be ready for appeal if the next action is made final. Accordingly, Applicant respectfully requests that the next action—if not a Notice of Allowance—be Non-Final.

Independent claim 31 and dependent claim 34

[0024] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1 apply with equal weight here. The cited art does not teach or suggest all of the claimed elements and features of independent claim 31. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of claim 9.

[0025] Further, dependent claim 34 allowable for at least the same reasons that independent claim 31 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent 31.

Independent claim 35 and dependent claims 36-38

[0026] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1 apply with equal weight here. The cited art does not teach or suggest all of the claimed elements and features of independent claim 35. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of claim 35.

[0027] Further, dependent claims 36-38 are allowable for at least the same reasons that independent claim 35 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 36-38.

[0028] Additionally, Applicant respectfully contends that the Office has failed to give the Applicant an adequate chance to respond to the rejections of claims 35-38. The Office states that "claims 31-38 and 51-54 substantially correspond to claims 1-4." (See Action, page 5). Applicant respectfully traverses that claims 35-38 are substantially similar to claims 1-4 as originally presented. Claim 35 is at least different for claiming "a

character table including one or more characters and one or more character encoding values, wherein each said character encoding value references one or more said characters.” This element is clearly not claimed in independent claim 1. Consequently, the two independent claims are different.

[0029] Applicant again submits that the Office has not articulated the reasons for its decision-making here. Furthermore, according to the reasons and facts given above and to 37 CFR § 1.113 and MPEP 706.07, Applicant respectfully submits that no clear issues has been developed between the applicant and the examiner for each pending claim so that such issues would be ready for appeal if the next action is made final. Accordingly, Applicant respectfully requests that the next action—if not a Notice of Allowance—be Non-Final.

Independent claim 51 and dependent claims 52-54

[0030] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1 apply with equal weight here. The cited art does not teach or suggest all of the claimed elements and features of independent claim 51. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of claim 35.

[0031] Further, dependent claims 52-54 are allowable for at least the same reasons that independent claim 51 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 52-54.

[0032] Additionally, Applicant respectfully contends that the Office has failed to give the Applicant an adequate chance to respond to the rejections of claims 51-54. The Office states that “claims 31-38 and 51-54 substantially correspond to claims 1-4.” (See

Action, page 5). Applicant respectfully traverses that claims 35-38 are substantially similar to claims 1-4 as originally presented. Claim 35 is at least different for claiming "EPG data that includes a plurality of television programs, each television program having one or more television program characteristics, each television program characteristic having a value, each said value having one or more characters." This element is clearly not claimed in independent claim 1. Consequently, the two independent claims are different.

[0033] Applicant again submits that the Office has not articulated the reasons for its decision-making here. Furthermore, according to the reasons and facts given above and to 37 CFR § 1.113 and MPEP 706.07, Applicant respectfully submits that no clear issues has been developed between the applicant and the examiner for each pending claim so that such issues would be ready for appeal if the next action is made final. Accordingly, Applicant respectfully requests that the next action—if not a Notice of Allowance—be Non-Final.

Conclusion

[0034] If any issues remain that would prevent allowance of this application, **Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.**

Respectfully Submitted,

Lee & Hayes, PLLC
Representative for Applicant

/Jason F. Lindh Reg. No. 59,090/

Dated: 2010-03-02

Jason F. Lindh
(jason@leehayes.com; 509-944-4715)
Registration No. 59090

Colin D. Barnitz
Registration No. 35061